

Introduced by Senator Perata

January 27, 2005

Senate Resolution No. 10— Relative to the Standing Rules of the Senate for the 2005–06 Regular Session.

1 *Resolved by the Senate of the State of California, That Rule 2*
2 of the Standing Rules of the Senate for the 2005–06 Regular
3 Session is amended to read:

4
5 Calling to Order
6

7 2. ~~The President~~ President pro Tempore, *Assistant President*
8 *pro Tempore*, Vice Chair of the Committee on Rules, or senior
9 member present shall call the Senate to order at the hour stated
10 and, if a quorum is present, shall proceed with the order of
11 business.

12 ; and be it further

13 *Resolved by the Senate of the State of California, That Rule 3*
14 of the Standing Rules of the Senate for the 2005–06 Regular
15 Session is amended to read:

16
17 Attendance of Senators
18

19 3. No Senator may absent himself or herself from attendance
20 upon the Senate without first obtaining leave. A lesser number
21 than a quorum of the Senate is authorized to send the Sergeant at
22 Arms for any and all absent Senators at the expense of the absent
23 Senators, unless an excuse for nonattendance made to the Senate
24 when a quorum is present shall be judged sufficient, and in that
25 case the expense shall be paid out of the Senate Operating Fund.

1 The President pro Tempore or ~~Presiding Officer~~ *Assistant*
2 *President pro Tempore*, or less than a quorum present, shall have
3 the power to issue process directly to the Sergeant at Arms to
4 compel the attendance of Senators absent without leave. Any
5 Senator who refuses to obey that process, unless sick or unable to
6 attend, shall be deemed guilty of contempt of the Senate, and the
7 Sergeant at Arms shall have power to use force as may be
8 necessary to compel the attendance of the absent Senator, and for
9 this purpose he or she may command the force of the county, or
10 of any county in the state.

11 ; and be it further

12 *Resolved by the Senate of the State of California*, That Rule 4
13 of the Standing Rules of the Senate for the 2005–06 Regular
14 Session is amended to read:

15
16 Order of Business

17
18 4. The order of business shall be as follows:

19 (1) Rollcall.

20 (2) Prayer by the Chaplain.

21 (3) Pledge of Allegiance.

22 (4) Privileges of the Floor.

23 (5) Communications and Petitions.

24 (6) Messages from the Governor.

25 (7) Messages from the Assembly.

26 (8) Reports of Committees.

27 (9) Motions, Resolutions and Notices.

28 (10) Introduction and First Reading of Bills.

29 (11) Consideration of Daily File:

30 (a) Second Reading.

31 (b) Special Orders.

32 (c) Unfinished Business.

33 (d) Third Reading.

34 (12) Announcement of Committee Meetings.

35 (13) Leaves of Absence.

36 (14) ~~Adjournment~~ *Memorials*.

37 (15) *Adjournment*.

38 ; and be it further

1 *Resolved by the Senate of the State of California, That Rule 5*
2 *of the Standing Rules of the Senate for 2005–06 Regular Session*
3 *is amended to read:*

4
5 Executive Sessions
6

7 5. When a motion is adopted to close the doors of the Senate,
8 on the discussion of any business that may require an executive
9 session, ~~the President~~ *he or she who is presiding* shall require all
10 persons, except the Senators, Secretary, Minute Clerk, and
11 Sergeant at Arms, to withdraw, and during the discussion of that
12 business the doors shall remain closed. Every Senator and officer
13 present shall keep secret all matters and proceedings concerning
14 which secrecy shall be enjoined by order of the Senate.

15 ; and be it further

16 *Resolved by the Senate of the State of California, That Rule 6*
17 *of the Standing Rules of the Senate for the 2005–06 Regular*
18 *Session is amended to read:*

19
20 The President
21

22 6. The President ~~shall maintain order in the Senate Chamber~~
23 ~~and, in case of a disturbance or disorderly conduct outside the~~
24 ~~bar, or in the gallery, the President (or Chair of the Committee of~~
25 ~~the Whole) shall have the power to order the same cleared~~ *may*
26 *preside upon invitation of the Senate.*

27 ; and be it further

28 *Resolved by the Senate of the State of California, That Rule 7*
29 *of the Standing Rules of the Senate for the 2005–06 Regular*
30 *Session is amended to read:*

31
32 The President pro Tempore
33

34 7. The President pro Tempore shall take the Chair and call
35 the Senate to order at the hour of the meetings of the Senate. The
36 President pro Tempore is the Presiding Officer of the Senate.

37 It shall be the particular responsibility of the President pro
38 Tempore to secure the prompt and businesslike disposition of
39 bills and other business before the Senate. *He or she shall*
40 *maintain order in the Senate Chamber and, in case of a*

1 *disturbance or disorderly conduct outside the bar or in the*
2 *gallery, he or she shall have the power to order the same*
3 *cleared.*

4 The President pro Tempore shall serve ex officio as a member
5 of all Senate and joint committees of which he or she is not a
6 regular member, with all of the rights and privileges of that
7 membership except the right to vote. In counting a quorum of
8 any of these committees, the President pro Tempore may not be
9 counted as a member.

10 The *Assistant President pro Tempore or the Vice Chair* of the
11 Committee on Rules shall, in the absence of the President pro
12 Tempore, perform the duties, and have all powers and authority,
13 of the President pro Tempore.

14 ; and be it further

15 *Resolved by the Senate of the State of California, That Rule 8*
16 *of the Standing Rules of the Senate for the 2005–06 Regular*
17 *Session is amended to read:*

18
19 ~~Presiding by Senators~~ *The Assistant President pro Tempore*
20

21 8. The President pro Tempore of the Senate may name ~~any a~~
22 Senator to perform the duties of the Chair in his or her absence.
23 The Senator so named shall be vested, during that time *on the*
24 *floor*, with all the powers of the President pro Tempore, and the
25 Senator who performs these duties shall be known as the
26 ~~Presiding Officer~~ *Assistant President pro Tempore.*

27 *In the absence of the President pro Tempore, the Assistant*
28 *President pro Tempore, or the Vice Chair of the Committee on*
29 *Rules, any Senator may perform the duties of the Chair.*

30 ; and be it further

31 *Resolved by the Senate of the State of California, That Rule 12*
32 *of the Standing Rules of the Senate for the 2005–06 Regular*
33 *Session is amended to read:*

34
35 Standing Committees
36

37 12. The standing committees of the Senate and subjects to be
38 referred to each are set out below. The provisions set forth below
39 as to the assignment of bills are intended as a guide to the
40 Committee on Rules, but are not binding upon the committee.

(1) Agriculture, *9 members*. Bills relating to agriculture.

(2) Appropriations, *13 members*. Bills that are subject to Joint Rule 10.5 and are not referred to the Budget and Fiscal Review Committee. Bills that constitute a state-mandated local program.

(3) Banking, Finance and Insurance, *10 members*. Bills relating to financial institutions, ~~commerce, international trade, and~~ retail credit interest rates, ~~and corporations~~. Bills relating to insurance, *including managed care*, indemnity, surety, and warranty agreements, ~~liens, unclaimed property, collections, and franchises~~.

(4) Budget and Fiscal Review, *17 members*. The Budget Bill and bills implementing the Budget. Bills that directly affect the State Budget.

(5) Business, Professions and Economic Development, *7 members*. Bills relating to business and professional practices, *licensing*, and regulations other than bills relating to horseracing, alcoholic beverages, oil, mining, geothermal, ~~or~~ and forestry industries. Bills relating to economic development, commerce and international trade.

~~(6) Elections, Reapportionment, and Constitutional Amendments. Bills relating to elections and reapportionment. Bills relating to constitutional amendments, when favorably reported out of the standing committee having jurisdiction of the subject matter.~~

~~(7) Education, 12 members. Bills relating to education, higher education, and certificated educational personnel.~~

(7) Elections, Reapportionment, and Constitutional Amendments, 6 members. Bills relating to elections and reapportionment. Bills relating to constitutional amendments, when favorably reported out of the standing committee having jurisdiction of the subject matter.

(8) Energy, Utilities, and Communications, *11 members*. Bills relating to public utilities *and carriers*, energy companies, alternative energy development and conservation, and communications development and technology.

(9) Environmental Quality, *9 members*. Bills relating to environmental quality, air quality, water quality, integrated waste management, *recycling*, toxics, and hazardous waste.

~~(10) Governmental Organization. Bills relating to horseracing, public gaming, and alcoholic beverages.~~

1 ~~(11) Government Modernization, Efficiency and~~
2 Accountability, *10 members*. Bills relating to state government
3 organization, ~~management of public safety emergencies and~~
4 ~~disaster response, the efficient delivery of state government~~
5 *services*, and legislation permitting the use of state-controlled
6 lands. Bills that have been considered by other committees
7 having jurisdiction of the appropriate subject, for consideration
8 of any question relating to state government.

9 *(11) Governmental Organization, 11 members. Bills relating*
10 *to horseracing, public gaming, and alcoholic beverages, and*
11 *bills related to the management of public safety emergencies and*
12 *disaster response.*

13 (12) Health, *11 members*. Bills relating to public health,
14 *alcohol and drug abuse, mental health, and related institutions.*

15 (13) Human Services, *7 members*. Bills relating to welfare
16 and, *social programs and services, and related institutions.*

17 (14) Judiciary, *7 members*. Bills amending the following:

18 (a) Civil Code, except measures related to retail credit interest
19 rates.

20 (b) Code of Civil Procedure.

21 (c) Evidence Code, except matters relating to criminal
22 procedure.

23 (d) Family Code.

24 (e) Probate Code.

25 (f) *Bills relating to municipal and state court judgeships, court*
26 *attachés, and personnel. Bills relating to liens, claims, and*
27 *unclaimed property.*

28 (15) Labor and Industrial Relations, *8 members*. Bills relating
29 to labor, industrial safety, unemployment, workers'
30 compensation and insurance, and noncertificated public school
31 employees.

32 (16) Local Government, *7 members*. Bills relating to local
33 governmental procedure and organization. Bills relating to land
34 use. Bills that have been considered by other committees having
35 jurisdiction of the appropriate subject, for consideration of any
36 questions relating to local government administration.

37 (17) Natural Resources and Water, *11 members*. Bills relating
38 to conservation and the management of public resources, fish and
39 wildlife, regulation of oil, mining, geothermal development, acid
40 deposition, wetlands and lakes, global atmospheric effects, ocean

1 and bay pollution, *coastal resources*, forestry practices,
2 recreation, parks, *and* historical resources ~~and beverage container~~
3 ~~recycling~~. Bills relating to water supply management.

4 (18) Public Employment and Retirement, *5 members*. Bills
5 relating to state and local nonschool public employees and public
6 employee retirement.

7 (19) Public Safety, *7 members*. Bills amending the following:

8 (a) Evidence Code, relating to criminal procedure.

9 (b) Penal Code.

10 (c) Statutes of a penal nature not related closely to a subject
11 included in another subdivision of this rule.

12 (d) Bills relating to the Youth and Adult Corrections Agency.

13 (20) Revenue and Taxation, *8 members*. Bills relating to state
14 and local revenues and taxation, except bills described in
15 subdivision (a) of Rule 28.9.

16 (21) Rules, *5 members*. Proposed amendments to the rules and
17 other matters relating to the business of the Legislature.

18 (22) Transportation and Housing, *14 members*. Bills relating to
19 the operation, safety, equipment, transfer of ownership, licensing,
20 and registration of vehicles, aircraft, and vessels. ~~Legislation~~
21 ~~affecting~~ *Bills relating to* the Department of Transportation and
22 the Department of Motor Vehicles. Bills relating to waterways,
23 harbors, highways, public transportation systems, and airports.
24 Bills relating to housing *and community redevelopment*.

25 (23) Veterans Affairs, *5 members*. Bills relating to veterans,
26 military affairs, and armories. Bills amending the Military and
27 Veterans Code.

28 The standing committees of any regular session shall be the
29 standing committees of concurrent special or extraordinary
30 sessions unless otherwise ordered by the Senate.

31 ; and be it further

32 *Resolved by the Senate of the State of California*, That Rule
33 18.5 of the Standing Rules of the Senate for the 2005–06 Regular
34 Session is amended to read:

35
36 Printing of Reports
37

38 18.5. All requests for the printing of reports of Senate
39 committees shall be made to the Committee on Rules.

1 The Committee on Rules shall determine if the report is to be
2 printed, the number of copies needed, and whether or not the
3 report shall be printed in the Journal.

4 If the report is to be printed by the *Office of State Printer*, ~~he or~~
5 ~~she~~ *Publishing*, it shall hold the type for each Senate committee
6 report for a period of 90 days from the date of the first printing or
7 for such other time as the Committee on Rules deems necessary.

8 ; and be it further

9 *Resolved by the Senate of the State of California*, That Rule 20
10 of the Standing Rules of the Senate for the 2005–06 Regular
11 Session is amended to read:

12 13 Parliamentary Rules

14
15 20. In all cases not provided for by the Constitution, these
16 rules, the Joint Rules of Senate and Assembly, ~~or~~ statute, *or*
17 *custom and usage of the Senate*, the authority shall be the latest
18 edition of Mason's Manual.

19 ; and be it further

20 *Resolved by the Senate of the State of California*, That Rule
21 29.5 of the Standing Rules of the Senate for the 2005–06 Regular
22 Session is amended to read:

23 24 Amended Forms of Measures

25
26 29.5. No bill, constitutional amendment, concurrent
27 resolution, joint resolution, or Senate resolution may be
28 considered for passage unless and until a copy of the measure as
29 last amended is on the desk of each Member *in printed or*
30 *electronic form*.

31 ; and be it further

32 *Resolved by the Senate of the State of California*, That Rule 30
33 of the Standing Rules of the Senate for the 2005–06 Regular
34 Session is amended to read:

35 36 Special Order

37
38 30. Any measure or subject may, by vote of a majority of
39 those voting, be made a special order and, when the time fixed

1 for its consideration arrives, ~~the presiding officer~~ *he or she who*
2 *is presiding* shall lay it before the Senate.

3 ; and be it further

4 *Resolved by the Senate of the State of California*, That Rule 33
5 of the Standing Rules of the Senate for the 2005–06 Regular
6 Session is amended to read:

7
8 Enrolling Measures
9

10 33. All Senate measures shall be enrolled immediately
11 following their final passage and receipt from the Assembly. An
12 enrolled copy of every bill, constitutional amendment, or
13 resolution shall be printed and examined to ascertain that it is a
14 true and accurate copy of the measure as it was passed. It shall
15 then be authenticated by the signature of the Secretary ~~or an~~
16 ~~Assistant Secretary~~ of the Senate *or his or her designee*, and the
17 Chief Clerk ~~or an Assistant Clerk~~ of the Assembly *or his or her*
18 *designee*, and transmitted to the Governor or Secretary of State,
19 as the case may be.

20 ; and be it further

21 *Resolved by the Senate of the State of California*, That Rule 34
22 of the Standing Rules of the Senate for the 2005–06 Regular
23 Session is amended to read:

24
25 Statement of Motion
26

27 34. A motion may not be debated until it is distinctly
28 announced by ~~the President~~ *he or she who is presiding*, and it
29 shall be reduced to writing if desired by ~~the President~~ or any
30 Senator, and read by the Secretary, before it is debated.

31 ; and be it further

32 *Resolved by the Senate of the State of California*, That Rule 35
33 of the Standing Rules of the Senate for the 2005–06 Regular
34 Session is amended to read:

35
36 Regulations as to Speaking
37

38 35. (a) When a Senator desires to address the Senate, he or
39 she shall rise in his or her place, address ~~the President~~ *he or she*

1 *who is presiding*, and, when recognized, proceed to speak
2 through the public address system.

3 (b) A Senator may not speak more than twice in any one
4 debate on the same day, and at the same stage of the bill, without
5 leave; Senators who have once spoken are not again entitled to
6 the floor (except for explanation) so long as any Senator who has
7 not spoken desires to speak.

8 (c) When two or more Senators arise at the same time to
9 address the Senate, the presiding officer shall designate the
10 Senator who is entitled to the floor.

11 (d) A Senator may not be interrupted when speaking, and no
12 question may be asked of him or her except through the presiding
13 officer.

14 (e) The author of a bill, motion, or resolution shall have the
15 privilege of closing the debate.

16 *Resolved by the Senate of the State of California*, That Rule 36
17 of the Standing Rules of the Senate for the 2005–06 Regular
18 Session is amended to read:

19 ; and be it further

20 21 Order in Debate

22
23 36. When a Senator is called to order he or she shall sit down
24 ~~until the President~~ *he or she who is presiding* has determined
25 whether or not he or she is in order. Every question of order shall
26 be decided by ~~the President~~ *he or she who is presiding*, subject to
27 an appeal to the Senate by any Senator. If a Senator is called to
28 order for words spoken, the objectionable language shall
29 immediately be taken down in writing by the Secretary of the
30 Senate.

31 ; and be it further

32 *Resolved by the Senate of the State of California*, That Rule 37
33 of the Standing Rules of the Senate for the 2005–06 Regular
34 Session is amended to read:

35 36 Right to Address the Senate

37
38 37. A person other than a Member of the Senate, ~~or the~~
39 ~~President thereof~~, may not address the Senate while it is in
40 session, except that the Senate may resolve itself into a

1 Committee of the Whole and, while sitting as a Committee of the
2 Whole, may be addressed by persons other than Members.
3 ; and be it further

4 *Resolved by the Senate of the State of California*, That Rule 42
5 of the Standing Rules of the Senate for the 2005–06 Regular
6 Session is amended to read:

7
8 Call of the Senate
9

10 42. Upon a motion being carried for a call of the Senate, ~~the~~
11 ~~President~~ *he or she who is presiding* shall immediately order the
12 doors to be closed, and shall direct the Secretary to call the
13 names of the absentees as disclosed by the last previous rollcall.
14 Thereupon, a Member may not be permitted to leave the Senate
15 Chamber except by written permission of the President pro
16 Tempore or, in his or her absence, of *the Assistant President pro*
17 *Tempore* or of the Vice Chair of the Committee on Rules, or, in
18 ~~the their absence of both~~, of another member of the Committee
19 on Rules designated for that purpose by the President pro
20 Tempore or the Vice Chair of the Committee on Rules. Those
21 Members who are found to be absent and for whom no excuse or
22 insufficient excuses are made may, by order of those present, be
23 taken into custody, as they appear, or may be sent for and then
24 taken into custody by the Sergeant at Arms whenever found, or
25 by special messenger to be appointed for that purpose. In the
26 absence of a quorum, a majority of the Members present may
27 order a rollcall of the Senate and compel the attendance of
28 absentees in the manner above provided.

29 A call of the Senate may be ordered after the roll has been
30 called and prior to the announcement of the vote. A call of the
31 Senate may be dispensed with at any time upon a majority vote
32 of the Senators present, that action to become effective upon
33 completion of the rollcall and the announcement of the vote upon
34 the matter for which the call was ordered.

35 A recess may not be taken during a call of the Senate. During
36 any call, the call may be made to apply also to other items of
37 business by a motion made and adopted by a majority vote of the
38 Members present. Under those circumstances, when the call of
39 the Senate is dispensed with as to any item of business, the call is
40 deemed to be continued in effect until other items of business

1 that have been made subject to the call by a majority of the
2 Members present have been acted upon. When a call of the
3 Senate is ordered, pending the announcement of the vote upon
4 the completion of a rollcall, the pending rollcall shall become
5 unfinished business, the consideration of which shall be
6 continued until further proceedings under the call of the Senate
7 are dispensed with, when it will forthwith become the order of
8 business before the Senate.

9 A motion to adjourn is not in order during a call of the Senate.
10 ; and be it further

11 *Resolved by the Senate of the State of California, That Rule 46*
12 *of the Standing Rules of the Senate for the 2005–06 Regular*
13 *Session is amended to read:*

14
15 Voting by Presiding Senator

16
17 46. When the President pro Tempore or any Member of the
18 Senate is presiding over the Senate, he or she shall vote on
19 rollcall the same as though he or she were not presiding.

20 ; and be it further

21 *Resolved by the Senate of the State of California, That Rule 52*
22 *of the Standing Rules of the Senate for the 2005–06 Regular*
23 *Session is amended to read:*

24
25 Duty of Secretary to Order Printing

26
27 52. It shall be the duty of the Secretary of the Senate, and he
28 or she is hereby directed, to order for the Senate the necessary
29 printing, including stationery for the Members, and to audit and
30 approve all bills for printing to be charged to the Senate. The
31 Secretary of the Senate shall order from the State Printer *Office*
32 *of State Publishing* the number of copies of bills, Journals,
33 Histories, Files, forms, and other printing as shall be necessary.

34 It shall further be the duty of the Secretary of the Senate to
35 order bills and other legislative publications for which there is a
36 demand, to be printed before the supply of same shall become
37 exhausted.

38 *Resolved by the Senate of the State of California, That Rule 53*
39 *of the Standing Rules of the Senate for the 2005–06 Regular*
40 *Session is amended to read:*

1 ; and be it further

2
3 Printing Only on Written Orders; Rush Orders
4

5 53. ~~The State Printer~~ *Office of State Publishing* may not
6 charge any printing or other work to the Senate except as
7 required by law unless he or she has a written order from the
8 Secretary of the Senate prior to beginning the printing or other
9 work. All printing orders by the Secretary of the Senate shall be
10 delivered as directed by him or her. The Secretary of the Senate
11 may, when necessity requires it, order from the ~~State Printer~~
12 *Office of State Publishing* the printing that he or she deems
13 necessary to be printed in advance of the regular order of
14 business, under a specially prepared written order to be known as
15 a “Rush Order.”

O